

**REMARKS**

By this amendment, claims 1-40 are pending, in which claims 1, 21, and 40 are currently amended. No new matter is introduced.

The Office Action mailed August 29, 2007 rejected claims 1-4, 7-9, 12, 13, 17, 20-24, 27, 28, 31, 32, 36, 39, and 40 under 35 U.S.C. §102(e) as anticipated by *Albert et al.* (US 6,606,316), claims 5 and 25 as obvious under 35 U.S.C. §103(a) based on *Albert et al.* (US 6,606,316) in view of *Haas* (US 5,115,432), claims 16, 18, 35, and 37 as obvious under 35 U.S.C. §103(a) based on *Albert et al.* (US 6,606,316) in view of *Feldman et al.* (US 6,055,561), claims 19 and 38 as obvious under 35 U.S.C. §103(a) based on *Albert et al.* (US 6,606,316) in view of *Grant et al.* (US 5,027,269), claims 10, 11, 29, and 30 as obvious under 35 U.S.C. §103(a) based on *Albert et al.* (US 6,606,316) in view of *Gai et al.* (US 6,651,096), and claims 6, 14, 15, 26, 33, and 34 as obvious under 35 U.S.C. §103(a) based on *Albert et al.* (US 6,606,316) in view of *Gibson et al.* (US 6,680,943). The rejections were sustained on Appeal in a Board Decision of September 17, 2009 and a Decision on Request for Rehearing of March 31, 2010.

The rejection of 1-4, 7-9, 12, 13, 17, 20-24, 27, 28, 31, 32, 36, 39, and 40 under 35 U.S.C. §102(e) is traversed.

Independent claims 1, 21, and 40 have now been amended to include an “access router” as part of the trio of a programmable access device (PAD), an external processor, and an access router for distributing the functionality of an access network, where the access router performs the function of basic routing of packets between input and output ports of an access network, the PAD performs the functions of forwarding and handling generic traffic conditions, and the external processor implements service functions.

Thus, independent claim 1 recites, *inter alia*, “**routing the second subset** of the received messages not communicated to the external processor, **via the access router**, from the network access system via a second network interface...,” independent claim 21 recites, *inter alia*, “an **access router**, wherein, responsive to the control message, the programmable access device establishes the configuration specified by the control message and communicates the first subset of the received messages to the external processor for service processing in accordance with the configuration, **and forwards the second subset** of the received messages not communicated to the external processor **to the access router** for routing...,” and independent claim 40 recites, *inter alia*, “an **access router** configured to route messages between input and output ports of an access network, wherein the programmable access device **forwards a second subset** of the input messages not received by the external processor **to the access router** for routing...”

Thus, each of the independent claims sets forth a specific inter-relationship among the PAD, the external processor and the access router. While the Examiner and the Board interpreted the forwarding agent of *Albert et al.* as the claimed “programmable access device” and interpreted the service manager of *Albert et al.* as the claimed external processor, it is noted that *Albert et al.* discloses no feature that corresponds to the now-claimed access router, nor does *Albert et al.* disclose the claimed inter-relationship between a PAD, an external processor and an access router.

Accordingly, since *Albert et al.* does not disclose each and every claim feature, *Albert et al.* cannot anticipate the subject matter of claims 1-4, 7-9, 12, 13, 17, 20-24, 27, 28, 31, 32, 36, 39, and 40. Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1-4, 7-9, 12, 13, 17, 20-24, 27, 28, 31, 32, 36, 39, and 40 under 35 U.S.C. §102(e).

Since none of the secondary references of *Haas, Feldman et al.*, *Grant et al.*, *Gai et al.*, or *Gibson et al.* cures the deficiencies of *Albert et al.*, Applicants respectfully request the Examiner to withdraw the rejections of claims 5, 6, 10, 11, 14-16, 18, 19, 25, 26, 29, 30, 33-35, 37, and 38 under 35 U.S.C. §103(a).

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

/Phouphanomketh Ditthavong/  
Phouphanomketh Ditthavong  
Attorney/Agent for Applicant(s)  
Reg. No. 44658

Errol A. Krass  
Attorney for Applicant(s)  
Reg. No. 60090

918 Prince Street  
Alexandria, VA 22314  
Tel. (703) 519-9952  
Fax (703) 519-9958